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DOCKET NUMBER 1414.025
PATENT

UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of)
KING et al.)
Serial No. 07/110,791)
Filed: October 21, 1987)
For: HUMAN GENE RELATED TO BUT)
DISTINCT FROM EGF RECEPTOR)
GENE)

RECEIVED

APR 24 1995

Group Art Unit: 1806 GROUP 1800

Examiner: Marschel, A.

DECLARATION OF MATTHIAS H. KRAUS UNDER 37 C.F.R. § 1.132

Honorable Commissioner of
Patents and Trademarks
Washington, D.C. 20231

NEEDLE & ROSENBERG, P.C.
Suite 1200
The Candler Building
127 Peachtree Street, N.E.
Atlanta, Georgia 30303-1811

April 3, 1995

Sir:

I, MATTHIAS H. KRAUS, declare as follows:

1. The above-identified application has been amended, based upon the recommendation of the Patent Office for the reason that the application contains improper incorporations by reference to the following publication:

Ullrich, A. *et al.* (May, 1984) *Nature* 309:418-425 (submitted as Exhibit B).

Specifically, the specification has been amended on page 8 to include the nucleotide sequence of the EGF receptor gene, as disclosed in the above reference.

2. The amendatory material consists of the same material incorporated by reference in the referencing application. Specifically, the amendments incorporate material contained in the reference cited in the specification at the following locations:

Page 2, lines 21-22

Page 3, lines 15-16

3. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that any such willful false statement may jeopardize the validity of the application or any patent issued thereon.

M. Kraus, M.D.
MATTHIAS H. KRAUS

4/4/95
DATE